

From: Peter Denniston
To: Microsoft ATR
Date: 1/24/02 3:24pm
Subject: Feedback on Tunney Review Period of the Microsoft case

Dear Sir:

I am writing to let you know I am very concerned about the continued persecution of Microsoft by its competitors as represented by the 9 states who have indicated they are not going to sign the settlement. I have reviewed the settlement and it seems fair. I am not a legal expert, but I do work in the computer industry and I can tell you that Microsoft has done a lot more good than harm in the industry.

*It has established standards that allow consumers to choose from a variety of different products which has driven prices down (look at the prices of comparably priced computer peripherals on the Mac market, a closed system, and you will see what I mean).

*Consumers benefit from Microsoft's giving away a browser in its operating system. It doesn't charge extra for the browser and you can always get free updates from their website. Although there are plenty of other browsers out there, both free and commercial, the reason that Internet Explorer has done so well is it is an excellent product that is continually updated with the latest features and security fixes. Yes, it has helped Microsoft to distribute the browser in their operating system. If it wasn't any good however, people wouldn't use it. How many professional designers use Microsoft Paint which is also included in the operating system? Not that many - it is not a distribution issue, it is a quality issue. Why don't people use Netscape? It is a crappy browser that hasn't kept up with industry standards and AOL hasn't done anything to make it better since they acquired the product in the middle of this lawsuit.

Please do not let a bunch of companies use litigation to gain unfair advantage against Microsoft. Other companies should by all means have the right to sell their products to OEMs for inclusion in their bundled systems.

They should not however have:

- * The right to be distributed with Microsoft product media however unless they mutually work out a deal
- * Additional protections from Microsoft competition

Consumers and Microsoft are being unfairly hurt by this lawsuit. Litigation must be a huge distraction for the company and its having to be overly sensitive to everything it does must make it very difficult for them to get new products to market.

In my opinion Microsoft have never overcharged consumers for their operating systems. It takes a lot of code to get computers to a baseline where it is easy for programmers to write applications that perform the tasks that we

all depend on so much. Even if this in itself was easy (which it is not), the process of establishing standards and consensus amongst the OEM and IHV community is extremely difficult. It is truly amazing what they have accomplished with the industry since the days of the DOS operating system.

Having said all this, I do agree it is important to have oversight to prevent unfair competition. An equitable settlement has been reached, an oversight body established, now it is time for the other states to sign the agreement.

Thank you for considering my opinion.

Sincerely,
Peter Denniston

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